IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION No.25186 of 2004

Between:

1. R.Karunakaran,

S/o N.Ramanaiah, Aged 36 years,

Occ: Agriculture, R/o D.No.4-28,
Hanumanthapuram village,

Karani Post, Pitchatur Mandal,

Chittoor district.

2. K.Nageswara Rao,

S/o K.R.Sundararama Setty,

Aged: 39 years, Occ: Agriculture,

R/o D.No.3-46,

Hanumanthapuram village,

Karani Post, Pitchatur Mandal,

Chittoor district.

..... PETITIONERS

AND

1. The Government of Andhra Pradesh, rep. by its Secretary, Industries and Commerce (M) Dept., Secretariat, Hyderabad.

2. The District Collector, Chittoor, Chittoor district.

3. The Chairman, District Sand Committee and Chairperson, Zilla Parishad, Chittoor district.

4. The District Panchayat Officer, Chittoor, Chittoor district.

5. The Revenue Divisional Officer, Tirupathi, Chittoor district.

6. The Mandal Revenue officer, Pitchatur Mandal, Chittoor district.

7. The Mandal Revenue Officer, Nagalapuram Mandal, Chittoor district.

8. Smt. Rani, W/o R.Vijayan,

   R/o 169, Velannagar, Valasaravakkam,

   Chennai – 600087.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondents 1 to 7 in not taking action on the 8th respondent though she is laying a pucca road across the Araniyar River for transport of sand violating the conditions stipulated in the proceedings D.Dis.No.4624/2001B1(Pts) dated 24.7.2002 of the third respondent and consequential order of the fourth respondent dated 24.11.2003 as illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India besides violative of the A.P. Minor Minerals Concession Rules, 1966 and consequently direct the respondents 1 to 7 to cancel the permission granted to 8th respondent for lifting the sand from the land in Sy.No.162/2 in 12.98 acres in Karani Gram Panchayat of Nagalapuram Mandal, Chittoor District.

Counsel for the Petitioner :Mr.V.AJAYAKUMAR

Counsel for the Respondents : G.P. FOR PANCHAYAT RAJ

The Court made the following :

W.P.No.25186 of 2004

HCJ, & MNR,J

ORDER: (Per Hon'ble the Chief Justice)

In this petition filed as public interest litigation, it is stated that the request of 8th respondent for formation of new road in Government poramboke land for transportation of sand from patta land was rejected on 24th November, 2003. Respondent No.3 was informed by the District Panchayat Officer, Chittoor, that

8th respondent was using only authorised ways for the purpose of transportation of sand and was not forming new road for transportation of sand as per the conditions of contract. Further grievance is that some illicit transportation of sand is continuing at the behest of 8th respondent and on 10th February, 2004, the Mandal Revenue Officer, Pitchatur Mandal, Chittoor district, had written to the Sub-Inspector of Police, Pitchatur, for giving necessary police protection to the villagers. Thereafter, the villagers on 25th November, 2004 brought to the notice of respondents 1 to 7 of the violation being committed by

8th respondent of laying road through the river, thereby adversely affecting the villagers' rights and no action is being taken by respondents 1 to 7.

Considering the averments made in the petition,

we dispose of the writ petition with direction to respondents 1 to 7 to treat this writ petition as representation and take appropriate decision thereupon, within a period of four weeks from the date of receipt of order from the Court and in case 8th respondent is indulging in unlawful activities, they will initiate appropriate proceedings against her in accordance with law.

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DEVINDER GUPTA, C.J.

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M.NARAYANA REDDY,J

31-12-2004

bsc

To

1. The Secretary, Government of Andhra Pradesh, Industries and Commerce (M) Dept., Secretariat, Hyderabad.
2. The District Collector, Chittoor, Chittoor district.
3. The Chairman, District Sand Committee and Chairperson, Zilla Parishad, Chittoor district.
4. The District Panchayat Officer, Chittoor, Chittoor district.
5. The Revenue Divisional Officer, Tirupathi, Chittoor district.
6. The Mandal Revenue officer, Pitchatur Mandal, Chittoor district.
7. The Mandal Revenue Officer, Nagalapuram Mandal, Chittoor district.
8. Two CCs to the G.P. for Panchayat Raj, High Court Buildings, Hyderabad (OUT).
9. Two CD copies.